

ESTTA Tracking number: **ESTTA331038**

Filing date: **02/08/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	MOSHE FREUND		
Entity	Individual	Citizenship	UNITED STATES
Address	1065 51st Street Brooklyn, NY 11219 UNITED STATES		

Attorney information	Max Moskowitz Ostrolenk Faber LLP 1180 AVENUE OF THE AMERICAS, 7TH FLOOR NEW YORK, NY 10036 UNITED STATES smcmahon@ostrolenk.com Phone:(212) 382-0700
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### Registration Subject to Cancellation

Registration No	1182161	Registration date	12/15/1981
Registrant	THE MANAGING TRUSTEE OF PIER 1 SERVICES COMPANY 100 PIER 1 PLACE FORT WORTH, TX 76102 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 020. First Use: 1980/11/26 First Use In Commerce: 1980/12/05 All goods and services in the class are cancelled, namely: Furniture
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	4906-4 - CARGO Petition for Cancellation.PDF ( 4 pages )(289905 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MM/
Name	Max Moskowitz
Date	02/08/2010



3. Petitioner's Application Serial No. 77/700,089 for the mark BABY CARGO has been refused registration in the U.S. Patent and Trademark Office based on a likelihood of confusion with the mark CARGO (Stylized) set forth in Registration No. 1,182,161.

4. Upon information and belief, Respondent's CARGO (Stylized) mark is no longer used in connection with the goods set forth in Registration No. 1,182,161.

5. Upon information and belief, Respondent has discontinued use of the CARGO (Stylized) mark with no intent to resume use and, therefore, has abandoned any and all claims of trademark rights in said mark.

6. Continued registration of Respondent's mark will damage Petitioner in that it will deny Petitioner a federal registration for its BABY CARGO mark and will adversely affect Petitioner's ability to protect its mark against infringers.

7. By reason of the foregoing, Petitioner has been damaged and will continue to be damaged by the continued registration of the mark CARGO (Stylized) to Respondent within the meaning 15 U.S.C. § 1064.

**WHEREFORE**, it is respectfully requested that this cancellation action be sustained and that Registration No. 1,182,161 be cancelled.

The cancellation fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Petitioner's attorneys' deposit account No. 15-0700 be charged with any deficiency.

Date: February 8, 2010  
New York, New York

Respectfully submitted,



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Max Moskowitz  
Sean P. McMahon

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New York, New York 10036-8403  
Tel: (212) 382-0700

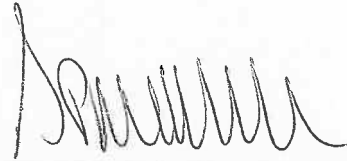
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing PETITION FOR CANCELLATION was served upon the owner of record and counsel of record for Respondent by First Class Mail, postage pre-paid this 8th day of February, 2010 to:

The Managing Trustee of Pier One Services Company  
100 Pier One Place  
Fort Worth, Texas 76102

Priscilla L. Dunkel, Esq.  
BAKER BOTTS LLP  
2001 Ross Avenue  
Suite 600  
Dallas, Texas 75021-2980



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Sean P. McMahon